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Letter dated 7 May 2014 from the Permanent Representative of Viet Nam to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to transmit herewith a diplomatic note dated 4 May 2014 from the Ministry of Foreign Affairs of the Socialist Republic of Viet Nam addressed to the Ministry of Foreign Affairs of the People's Republic of China concerning China's illegal operation of the deep-water oil rig HYSY981 in oil block 143 on the exclusive economic zone and the continental shelf of Viet Nam since 1 May 2014 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the sixty-eighth session of the General Assembly, under agenda item 76 (a).

(*Signed*) **Le** Hoai Trung
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Permanent Representative of Viet Nam to the United Nations

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Annex to the letter dated 7 May 2014 from the Permanent Representative of Viet Nam to the United Nations addressed to the Secretary-General

The Ministry of Foreign Affairs of the Socialist Republic of Viet Nam presents its compliments to the Ministry of Foreign Affairs of the People's Republic of China and has the honour to state its position concerning China's operation of the deep-water oil rig HYSY981 in the oil block 143 on the continental shelf of Viet Nam since 1 May 2014, as follows:

1. On 2 May 2014, Vietnamese competent authorities reported that at 5.22 a.m. on 1 May 2014, the Vietnamese competent authorities detected China's deep-water oil rig HYSY981 and three service vessels moving from the north-west of Tri Ton island (of the Hoang Sa archipelago, or the Paracel Islands, of Viet Nam) to the south. At 4 p.m. on 2 May 2014, the oil rig HYSY981 drifted at the southern area of Tri Ton island together with about 27 Chinese protection vessels and, later, with 32 protection vessels.

2. At the two meetings with the Chinese side on 2 May 2014, Viet Nam reaffirmed and emphasized that: "the area where the oil rig HYSY981 and other Chinese protection vessels are operating lies entirely within the exclusive economic zone and continental shelf of Viet Nam; and the operation of the oil rig HYSY981 and other Chinese protection vessels seriously infringes upon Viet Nam's sovereignty, sovereign rights and jurisdiction as enshrined under the United Nations Convention on the Law of the Sea of 1982, violates the Declaration on the Conduct of Parties in the South China Sea of 2002 and other relevant agreements reached between high-level leaders of the two countries as well as the 'Viet Nam-China Agreement on Basic Principles Guiding the Settlement of Maritime Issues'. Viet Nam demands that China immediately pull its oil rig and vessels out of Viet Nam's maritime zone".

3. At the two meetings mentioned above, the Chinese side stated that: "the operation of the oil rig HYSY981 is a normal oil and gas operation of China in the southern area of 'Zhongjian dao' (i.e. Tri Ton island) of 'Xisha' Islands (i.e. Hoang Sa archipelago of Viet Nam) and has nothing to do with Viet Nam's continental shelf and exclusive economic zone. This area lies within the territorial waters and contiguous zone of 'Xisha' Islands and the operation is a normal oil and gas exploration activity carried out within the undisputed waters under the management of China". Viet Nam completely rejects and does not accept that wrongful position of China.

4. Viet Nam possesses full historical evidence and legal basis to affirm its sovereignty over the Hoang Sa archipelago, as well as its sovereign rights and jurisdiction over the exclusive economic zone and continental shelf as defined by the United Nations Convention on the Law of the Sea of 1982. Viet Nam demands that China respect Viet Nam's sovereignty over the Hoang Sa archipelago, and Viet Nam's sovereign rights and jurisdiction over its exclusive economic zone and continental shelf.

5. The fact that China has not pulled out the oil rig mentioned above and the service and protection vessels from the area of block 143, despite Viet Nam's communication, is a deliberate and intentional act which gravely infringes upon Viet Nam's sovereignty, sovereign rights and jurisdiction over the Hoang Sa archipelago,

its exclusive economic zone and its continental shelf. This act also seriously violates the agreements reached between the two countries' leaders, the spirit and letter of the Declaration on the Conduct of Parties in the South China Sea, the relevant rules of international law, including the United Nations Convention on the Law of the Sea of 1982. China's act has strongly affected the political trust between the two countries, caused negative impacts on the Viet Nam-China negotiations on maritime issues and adversely affected the sentiments of the two peoples. Once again, Viet Nam earnestly demands that China immediately pull out the oil rig mentioned above as well as the relevant vessels, equipment and staff from the area of block 143, which lies within Viet Nam's continental shelf, and desist from similar actions.

6. Viet Nam attaches great importance to the friendship and comprehensive strategic partnership with China and is willing to settle peacefully all disputes and differences concerning sea-related issues between the two countries through bilateral negotiations on the basis of international law, the United Nations Convention on the Law of the Sea of 1982 and the Viet Nam-China agreement on basic principles guiding the settlement of maritime issues. Pending a fundamental and durable solution to the East Sea disputes, Viet Nam requests the Chinese side to work with Viet Nam to put the situation under control with a view to maintaining peace and stability in the East Sea and, at the same time, to take active measures to promote the current negotiations on maritime issues between the two countries.

The Ministry of Foreign Affairs of the Socialist Republic of Viet Nam avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the People's Republic of China the assurances of its highest consideration.

Hanoi, 4 May 2014